

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA )  
 )  
v. ) No. 3:06-CR-5  
 ) (Phillips)  
DAMION BRADLEY JACKSON )

**MEMORANDUM AND ORDER**

On June 28, 2007, the Honorable C. Clifford Shirley, United States Magistrate Judge, filed an 18-page Report and Recommendation (R&R) [Doc. 64] in which he recommended that defendant's motions to suppress evidence [Doc. 44] be denied. Thus, Judge Shirley recommended that the firearm and drugs that were seized during the search of defendant on May 12, 2005, be admitted at trial.

This matter is presently before the court on defendant's timely objections to the R&R [Doc. 65]. As required by 28 U.S.C. § 636(b)(1), the court has now undertaken a *de novo* review of those portions of the R&R to which defendant objects. The court finds itself in agreement with Judge Shirley's thorough analysis of the legal issues arising from the suppression hearing conducted by him on April 19, 2007. Consequently, defendant's objections will be overruled, the R&R will be accepted in whole, and the underlying motion to suppress will be denied.

The R&R clearly reflects that Judge Shirley carefully weighed and evaluated the testimony of the witnesses, as well as the videotape of the traffic stop. Judge Shirley found that there was probable cause to stop defendant for the traffic violation of running the stop sign. Judge Shirley further found that after the valid traffic stop was completed, the search of defendant's vehicle was a lawful search incident to defendant's arrest for driving on a suspended licence.

For these reasons, as well as the reasons articulated by Judge Shirley in his R&R, defendant's objections to the R&R [Doc. 65] are hereby **OVERRULED** in their entirety whereby the R&R [Doc. 64] is **ACCEPTED IN WHOLE**. Accordingly, defendant's motion to suppress evidence [Doc. 44] is **DENIED** in its entirety, whereby the court will allow the introduction of the firearm and drugs taken from the defendant at the trial of this matter, which is presently set for August 16, 2007.

**ENTER:**

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s/ Thomas W. Phillips

United States District Judge